

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

EAGLE HARBOR HOLDINGS, LLC,
and MEDIUSTECH, LLC,

Plaintiffs,

v.

FORD MOTOR COMPANY,

Defendant.

CASE NO. C11-5503 BHS

ORDER GRANTING
DEFENDANT'S MOTION

This matter comes before the Court on Defendant Ford Motor Company's ("Ford") renewed motion to limit the number of asserted claims (Dkt. 176). The Court has considered the pleadings filed in support of and in opposition to the motion and the remainder of the file and hereby grants the motion for the reasons stated herein.

I. PROCEDURAL HISTORY

After a stipulated dismissal of one asserted patent (Dkt. 132), Plaintiffs Eagle Harbor Holdings, LLC and Mediustech, LLC assert that Ford infringes 114 claims of ten patents. On October 10, 2013, Ford filed the instant motion requesting that the Court

1 limit the number of asserted claims to 20. Dkt. 176. On October 17, 2013, Plaintiffs
2 responded and filed a cross-motion to limit the number of prior art references. Dkt. 178.
3 On October 25, 2013, Ford replied. Dkt. 179. On November 14, 2013, Plaintiffs
4 withdrew their cross-motion. Dkt. 185.

5 **II. DISCUSSION**

6 In complex cases, the district court has “broad discretion to administer the
7 proceeding.” *In re Phenylpropanolamine (PPA) Prods. Liab. Litig.*, 460 F.3d 1217, 1232
8 (9th Cir. 2006). The district court may exercise such discretion by requiring a patentee
9 to reduce the number of asserted claims. *In re Katz Interactive Call Processing Patent*,
10 639 F.3d 1303, 1311–1312 (Fed. Cir. 2011).

11 In this case, the parties do not dispute whether the number of asserted claims shall
12 be reduced, but they do dispute the extent of any reduction. Ford argues that it is “fair
13 and reasonable” to reduce the number of asserted claims to 20. Dkt. 176 at 11. Plaintiffs
14 counter that the appropriate number at this time is 35, and they do “not intend to take 35
15 claims to trial and will make further reductions later in discovery and after dispositive
16 motions are resolved.” Dkt. 178 at 6. Given that Plaintiffs have conceded over two-
17 thirds of the originally asserted claims and that the Federal Circuit’s model case
18 management order sets forth a maximum of 32 asserted claims, the Court finds that 35 is
19 a fair and reasonable number at this time. Moreover, the Court is not persuaded that the
20 additional 15 claims would impose a significant and unjustified burden on Ford.
21 Therefore, the Court grants Ford’s motion and orders Plaintiffs to limit the number of
22 asserted claims to 35.

III. ORDER

Therefore, it is hereby **ORDERED** that Ford's renewed motion to limit the number of asserted claims is **GRANTED** as stated herein.

Dated this 25th day of November, 2013.



BENJAMIN H. SETTLE
United States District Judge